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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,698	07/22/2003	Moritz Bauer	02/044 SGL	7037

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EXAMINER

DIXON, MERRICK L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,698

Applicant(s)

BAUER ET AL.

Examiner

Merrick Dixon

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

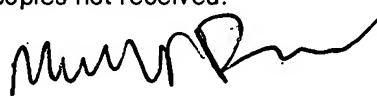
- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-23-04/7-22-03

- 4) ☐ Interview Summary (PTO-713)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



MERRICK DIXON
PRIMARY EXAMINER

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,3,4,5,6,8,9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Krenkel et al(US 6668985 B2).

The cited reference teaches the claimed ceramic brake liner made of 10 mm carbon fiber reinforcement, similarly aligned, and silicon carbide – col 1, lines 12-52; col 3, lines 1-9; col 3, lines 36-41; col 2, lines 60-65 . the reference teaches layers of unidirectional positions and similar fiber amounts as required by claims 3-5- col 5, lines 1-5; col 5, line 64- col 6, line 3. concerning claim 2 , 6 and 7, the reference teaches specif amounts of carbon fibers(col 2, lines 50-65) and same fibers oriented at specific direction- col 5, lines 64- col 6, line 1, such directional arrangement and percentage amount would indeed encompass and include the claimed thermal conductivities as such orientations are respective to the disclosed friction surface. Concerning claim 11, the reference teaches adhesively bonding the liner to a plate- col 1, line 65- col 2, line 2. Concerning claims 8 and 9, the reference teaches the claimed silicon carbide- col 5, lines 22-25.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Krenkel et al(US 6668985 B2) as applied to claims 1-9,11 above, and further in view of Dietrich et al(US 6261981 B1).

Dietrich et al further teaches that it is known in the art to drill/screw brake members together- col 5, lines 32-40. It is submitted it would have been within the art to utilize any number screws during such drillings same bonding.

5. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Withers et al(US 6051167).

6. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Withers et al(US 6051167). The cited reference teaches a method of making brake lining via arranging fibers with a binder, curing same, carbonizing the cured carbon material, densifying same and infiltrating the resulting material- fig 1b; col 1, lines 52-65; col 2, lines 33-55; col 3, lines 40-44; col 4, lines 1-21; col 6, lines 45-50. concerning claims 13-16, it is submitted the particular material used during the process is of no patentable consequences which must be manipulatively distinct, ie. Affect the process in a manipulative sense- Ex parte Pfeiffer 1962 C.D. 408(1961). The reference teaches brake product as discussed above .

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dietrich et al(US 6248269 B1) is cited of interest for its teachings as set forth.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

personal fax number should be in draft-forms and will be treated as informal.

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.



Merrick Dixon

Primary Examiner

Group 1700